

BEFORE THE ARIZONA REGULATORY BOARD OF  
PHYSICIAN ASSISTANTS

In the Matter of

**KARLYNE F. SANDERS, P.A.**

Holder of License No. 2498,  
For the Practice as a Physician Assistant  
in the State of Arizona

Docket No. **05A-2498-MDX**

Case No. PA-04-0014A

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER LICENSE  
REVOCATION**

On March 1, 2006 this matter came before the Arizona Regulatory Board of Physician Assistants ("Board") for oral argument and consideration of the Administrative Law Judge (ALJ) Michael L. Barth's proposed Findings of Fact and Conclusions of Law and Recommended Order. Karlyne F. Sanders, P.A. ("Respondent") was notified of the Board's intent to consider this matter on the aforementioned date at the Board's public meeting. Respondent did not appear. The State was represented by Assistant Attorney General Dean Brekke. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office, was present and available to provide independent legal advice to the Board.

The Board, having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

**FINDINGS OF FACT**

1. Despite having been provided notice of the hearing as required by applicable law, Respondent failed to appear.

2. The Board is the duly constituted authority for licensing and regulating the practice of physician assistants in the State of Arizona.

3. Respondent's license to practice as a physician assistant in the State of Arizona expired in October 2003.

1           4.       This tribunal finds the uncontroverted testimony of Dr. Neil Singer, MD.,  
2 Respondent's supervising physician at the time of the actions and omissions by  
3 Respondent at issue in this hearing, and the Board's Senior Medical Investigator, Tina  
4 Geiser, to be credible.

5           5.       On the basis of the credible testimony of Dr. Singer and Investigator  
6 Geiser in combination with exhibits presented by the Board, in particular, Respondent's  
7 Verde Valley Medical records, arrest records, the plea agreement entered into by  
8 Respondent in Yuma County Superior Court and the transcript of the Board's  
9 investigative interview of Respondent, this tribunal makes the findings below.

10          6.       While driving her car on or about August 30, 2003 at 7:30 a.m.,  
11 Respondent experienced a seizure, losing consciousness, and striking a lane divider at a  
12 McDonald's drive-thru window.

13          7.       Rescue personnel transported Respondent to Verde Valley Medical  
14 Center where medical staff tested Respondent's blood.

15          8.       Respondent's blood tested positive for cocaine as well as other  
16 narcotics.

17          9.       Respondent admitted to having snorted cocaine that previous evening,  
18 until 4:00 a.m.

19          10.      Upon being notified of these findings, Dr. Singer terminated  
20 Respondent.

21          11.      On or about December 17, 2003 the Cottonwood Police arrested  
22 Respondent for allegedly writing 96 fraudulent narcotics prescriptions for her fiancée,  
23 J.M., from between August, 2001 and September, 2003.

24          12.      While employed by Dr. Singer, Respondent, without Dr. Singer's  
25 knowledge used blank prescription forms pre-signed by Dr. Singer, an act for which Dr.

1 Singer was later reprimanded by the Board, to write narcotic prescriptions for J.M. for  
2 other than accepted therapeutic reasons.

3 13. The prescriptions were not charted; J.M. had never been a patient of Dr.  
4 Singer's office.

5 14. Per a July 30, 2004 plea agreement with Yuma County Superior Court,  
6 Respondent pleaded guilty to the offenses of Possession of Narcotic Drugs (Oxycontin,  
7 Hydrocodone, Percocet and Oxycodone), a class 4 felony, and Possession of Drug  
8 Paraphernalia, a class 6 felony.

9 15. Per the plea agreement, sentencing was suspended to allow  
10 Respondent to complete the State's TASC probation program.

11 16. If Respondent failed to successfully complete the probation program,  
12 Respondent was subject to sentencing for the foregoing crimes and sentencing could  
13 include serving jail time.

14 17. To date, Respondent has not successfully completed the probation  
15 program, and her current whereabouts are unknown.

16 18. On January 23, 2004 the Board notified Respondent that in addition to  
17 allegations that Respondent had used controlled substances without a prescription and  
18 failed to self report that she may not be physically or mentally able to carry out approved  
19 health care tasks, the Board would also be considering allegations that Respondent did  
20 not keep adequate records, committed a felony, and violated federal or state law  
21 applicable to performance of health care tasks as a physician assistant.

## 22 CONCLUSIONS OF LAW

23 1. Jurisdiction of this matter lies with the Board. A.R.S. § 32-2504.

24 2. The burden of proof generally at an administrative hearing falls to the  
25 party asserting a claim, right or entitlement or seeking to impose a penalty. A.A.C. R2-

1 19-119(B). Further, the standard of proof is that of the "preponderance of the evidence."  
2 *Smith v. Arizona Department of Transportation*, 146 Ariz. 430, 706 P.2d 756 (App. 1985);  
3 see also A.A.C. R2-19-119(A). This standard is not met unless the evidence is sufficient  
4 to persuade the finder of the fact that the proposition is "more likely true than not." *In re*  
5 *Arnold and Baker Farms*, 177 Bankr. 648, 654 (Bankr. 9th Cir. 1994). The evidence  
6 taken as a whole must convince the decision maker that the party who bears the burden,  
7 in this case the Board, is more probably correct on the issues in dispute.

8 3. Observing the aforementioned standard, the Board demonstrated, as  
9 discussed below, that Respondent committed unprofessional conduct, for which she is  
10 subject to discipline.

11 4. The Board is authorized to discipline licensees for unprofessional conduct.  
12 A.R.S. § 32-2551.

13 5. Having been convicted of the felonies described above, Respondent  
14 violated state law applicable to the performance of health care tasks as a physician  
15 assistant, and in doing so was guilty of unprofessional conduct. A.R.S. § 32-2501(21)(a).

16 6. Having performed health care tasks that were not delegated by her  
17 supervising physician, Dr. Singer (prescribing narcotics to J.M.) Respondent engaged in  
18 unprofessional conduct. A.R.S. § 32-2501(21)(c).

19 7. Having prescribed controlled substances for which she, as a physician  
20 assistant, was not approved to prescribe and/or having done so in excess of the amount  
21 authorized by law, Respondent engaged in unprofessional conduct. A.R.S. § 32-  
22 2501(21)(i).

23 8. Having committed the acts and omissions described above, Respondent  
24 engaged in conduct or practice that is or might be harmful to the health of a patient or the  
25 public, and in doing so engaged in unprofessional conduct. A.R.S. § 32-2501(21)(j).

1           9.     Having failed to chart the prescriptions for narcotics she wrote for J.M.,  
2 Respondent engaged in unprofessional conduct. A.R.S. § 32-2501(21)(p).

3           10.    Having prescribed controlled substances for other than accepted  
4 therapeutic purposes to J.M., Respondent engaged in unprofessional conduct. A.R.S.  
5 § 32-2501(21)(s).

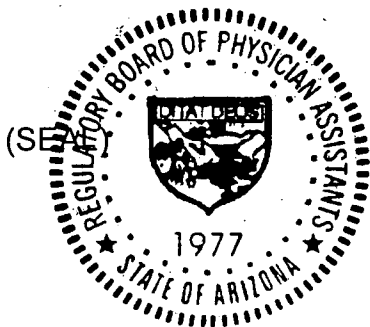
6           11.    Having committed a felony, regardless of whether it involves moral  
7 turpitude, Respondent engaged in unprofessional conduct. A.R.S. § 32-2501(21)(u).

8                               **ORDER**

9           Based upon the Findings of Fact and Conclusions of Law as adopted, the Board  
10 hereby enters the following Order:

11           Respondent's license No. 2498 to perform healthcare tasks in the State of  
12 Arizona is revoked and Respondent shall return her certificate of licensure to the Board.

13           Dated this 2<sup>ND</sup> day of March, 2006.



ARIZONA REGULATORY BOARD OF PHYSICIAN  
ASSISTANTS

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By: 

TIMOTHY C. MILLER, J.D.  
Executive Director

Original of the foregoing filed this  
2<sup>ND</sup> day of March, 2006 with:

Arizona Regulatory Board of Physician  
Assistants  
9545 East Doubletree Ranch Road  
Scottsdale, AZ 85258

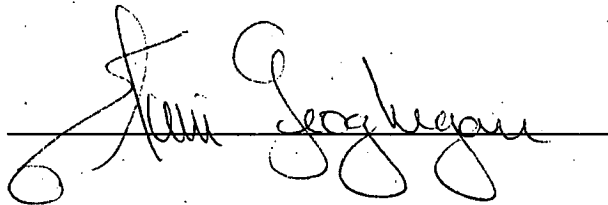
1 Executed copy of the foregoing mailed  
2 by Certified Mail this 2<sup>nd</sup> day of  
March, 2006 to:

3 Cliff J. Vanell, Director  
4 Office of Administrative Hearings  
1400 W. Washington, Ste. 101  
5 Phoenix, AZ 85007

6 Karlyne F. Sanders, P.A.  
(address of record)

7  
8 Executed copy of the foregoing mailed  
this 2<sup>nd</sup> day of March, 2006 to:

9 Dean Brekke  
10 Assistant Attorney General  
Office of the Attorney General  
11 CIV/LES  
12 1275 W. Washington  
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